

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHELLE E. COOPER, )  
                        )  
Plaintiff,           )  
                        )  
vs.                    )  
                        )         4:15CV00012 RLW  
METROPOLITAN LIFE INSURANCE )  
COMPANY, et al.,      )  
                        )  
Defendants.          )

**CASE MANAGEMENT ORDER – TRACK 2: STANDARD**

Pursuant to the Civil Justice Reform Act Expense and Delay Reduction Plan and the Differentiated Case Management Program of the United States District Court of the Eastern District of Missouri, and the Rule 16 Conference held on March 4, 2015,

**IT IS HEREBY ORDERED** that the following schedule shall apply in this case, and will be modified only upon a showing of exceptional circumstances:

**I.       SCHEDULING PLAN**

1.       This case has been assigned to Track 2 (Standard).
2.       All motions for joinder of additional parties or amendment of pleadings shall be filed no later than April 13, 2015.
3.       Disclosure shall proceed in the following manner:
  - (A)      The parties shall make all disclosures and discovery required by Rule 26(a)(1), Fed.R.Civ.P., no later than March 18, 2015. Discovery shall be limited to the administrative record, including plan documents, service agreements and claim files. In the event that Plaintiff believes that the record is incomplete or believes that discovery outside of the administrative record is appropriate, Plaintiff shall file a Motion for Discovery on or before

**April 20, 2015**, outlining the discovery sought. Defendants shall respond to any such motion within thirty (30) days of service. Discovery shall be completed by **June 3, 2015**.

4. This case shall be referred to alternative dispute resolution on **June 3, 2015**, and that reference shall terminate on **August 3, 2015**.

5. Any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, and motions under Daubert must be filed no later than **September 4, 2015**. Opposition briefs shall be filed no later than **October 5, 2015**, and any reply brief may be filed no later than **October 19, 2015**. **Courtesy copies (including all exhibits) of all motions for summary judgment and motions under Dabuert shall be submitted to chambers either by mail or hand delivery.**

## **II. ORDER RELATING TO TRIAL**

This action is set for a **TRIAL** on **January 19, 2016, at 9:00 a.m.** This is a **two** week docket.

**In this case, unless otherwise ordered by the Court, the attorneys shall, not less than twenty (20) days prior to the date set for trial:**

1. **Stipulation:** Meet and jointly prepare and file with the Clerk a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation (including a brief summary of the case which may be used on Voir Dire).

### **2. Witnesses:**

(a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

3. **Exhibits:**

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft.-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. The list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed.R.Evid. 902(11) or 902(12).

(b) Submit said exhibits or true copies thereof, and copies of all affidavits or declarations pursuant to Fed.R.Evid. 902(11)or 902(12), to opposing counsel for examination. Prior to trial, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing by the time of the final pretrial conference may be considered waived.

4. **Depositions, Interrogatory Answers, and Request for Admissions:**

(a) Deliver to opposing counsel and to the Clerk a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. Before the time of the final pretrial conference, opposing counsel shall state in writing any objections to such

testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

5. **Instructions:** Submit to the Court and to opposing counsel their written request for instructions and forms of verdicts reserving the right to submit requests for additional or modified instructions at least ten (10) days before trial in light of opposing party's requests for instructions. (Each request must be supported by at least one pertinent citation.) **The parties shall email a copy of the instructions to the clerk at: [MOEDml Team AGF-RLW-NCC@moed.uscourts.gov](mailto:MOEDml_Team_AGF-RLW-NCC@moed.uscourts.gov).**

6. **Trial Brief:** Submit to the Court and opposing counsel a trial brief stating the legal and factual issues and authorities relied on and discussing any anticipated substantive or procedural problems.

7. **Findings of Fact, Conclusions of Law and Trial Brief:** Submit to the Court and to opposing counsel full, complete and specific findings of fact and conclusions of law, together with a trial brief, citing authorities, in support of said party's legal theories and discussing any anticipated substantive or procedural problems.

8. **Motions in Limine:** Parties shall file all motions in limine to exclude evidence, and submit a courtesy copy to the Court's chambers, at least ten (10) days before the trial.

*Ronnie L. White*  
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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE

Dated this 6<sup>th</sup> day of March, 2015.